Supreme Court, U.S.
FILED

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No.

In The

# Supreme Court of the United States

October Term, 1998

Fred Davis

*Petitioner,*

v.

City of Malden

Board of Assessors, City of Malden

*Respondents.*

Petition For Writ Of Certiorari
To The Massachusetts Supreme Judicial Court

## PETITION FOR WRIT OF CERTIORARI

Fred Davis
353 Bryant Street
Malden, Massachusetts 02148
(781) 322-8223

68pp

I.

Should this Court grant Certiorari to resolve the novel issue, whether pro se litigants, the poor and minorities are entitled to the same legal rights that are afforded to attorneys.

II.

United States Constitution Amendment V: states in pertinent part: "cannot be deprived of life, liberty or property without due process of law."

III.

United States Constitution Amendment XIV: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States nor shall any state deprive any person of life, liberty or property without due process of law: nor deny to any person within its jurisdiction the equal protection of the law".

IV.

The Court should grant Certiorari when the petitioner was unable to obtain discovery from the respondent.

V.

The Court should grant Certiorari, when the petitioner is being discriminated against and is continuing to experience all types of Hate Crimes.

VI.

The Court erred in its decision based on the facts and evidence the petitioner presented to the Court.

Moreover, decision bears signatures of individuals not present at hearing.

VII.

The Court should grant certiorari when documents submitted to the Massachusetts Supreme Judicial Court disappeared.

Petitioner filed one copy of the original and seventeen copies of a five page package.

VIII.

The Court erred in not disbarring, Attorney Kathryn M. Fallon for violations of the Massachusetts Professional Conduct and violations of the Massachusetts Attorney's Oath.

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Petitioner, Fred Davis, respectfully prays that a Writ of Certiorari issue to review the inferior courts decisions and grant him the following relief: That property on Bryant Street be valued honestly, at the same value as other property in that area. All fraudulent water bills issued on this property be stopped.

Property located on Upham Street be valued honestly at the same value as other property in that area. Water supply that was deliberately shut off from the sidewalk since December, 1998. by Mr. Thomas Nealon, of the Malden Water Department be immediately restored.

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## OPINIONS BELOW

The Appellate Tax Board dismissed the action attached (App. p. 32).

The Massachusetts Supreme Judicial Court denied Direct Appellate Review attached (App. P. 34).

The Massachusetts Supreme Judicial Court denied reconsideration attached (App. p. 40)

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## JURISDICTION

May 28, 1999, the Massachusetts Supreme Judicial Court denied Direct Appellate Review attached (App. p. 34).

July 6, 1999, the Massachusetts Supreme Judicial Court denied Reconsideration attached (App. p. 40).

The petition is filed within 90 days of the Massachusetts Supreme Judicial Court's decision.

The Court's jurisdiction is invoked under 28 the United States Code.

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## UNITED STATES CONSTITUTIONAL PROVISIONS INVOLVED

The Fifth Amendment to the United States Constitution provides in pertinent part: "cannot be deprived of life, liberty, or property, without due process of law.

The Fourteenth Amendment to the United States Constitution Provides:

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States: nor shall any State deprive any

person of life, liberty, or property, without due process of law: nor deny to any person within its jurisdiction the equal protection of the law".

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## STATEMENT OF THE CASE

Petitioner filed tax rebatements for properties located at Bryant Street and Upham Street in the City of Malden, Massachusetts as petitioner's properties are over valuated.

Petitioner's tax rebatements were denied by Robert Donnelly, Chairman of the Malden Board of Assessors.

July 1, 1998, petitioner filed Petitions with the Appellate Tax Board.

Petitioner received retaliation with great vengeance, water supply located at Upham Street, Malden, Massachusetts has been shut off from the sidewalk since December and has not been retored, in spite of the heat waves, continuing to make the premises not habitable and damages to property.

Petitioner is being discriminated against he is the only one in the city who has paid his water and sewer bills and does not have water furnish in his property.

Petitioner is receiving fraudulent water bills at property located at 353 Bryant Street Malden, Massachusetts that does not agree with

water meter readings that were furnished to the water Department.

The Malden Police Department will not remove cars that are blocking the peitioner's driveway attached (App. p. 7) petitioner is unable to get his car out of the garage.

February 15, 1999, Petitioner filed "Request for Production of Documents" attached (App. p. 4)

Respondent would not furnish documents to the petitioner.

Petitioner file Motion For Judgment Against The Respondent Board of Assessors attached (App. p. 1). The court did not rule on this judgment.

March 4, 1999, when petitioner arrived the courtroom A where the hearing was to take place was closed.

The individual that was to hear the case a Kenneth W. Gurge, nor the clerk Nancy T. Egan was present.

Petitioner was compelled to wait in the corridor, and later had to wait in a problem resolving office.

The respondent was not present.

Nancy Egan, Clerk finally arrived, the petitioner informed her that the respondent was not present and that he requested that a Default and Judgment be placed upon them.

Ms. Egan said, "You have to wait for them no matter what time they come".

Appellate Tax Board erred in its decision based on the facts and evidence presented to

the court.

May 7, 1999, petitioner filed with the Massachusetts Supreme Judicial Court one original copy and seventeen copies of the document entitled "Sanctions Against Kathryn M. Fallon" for comitting perjury, violations of Massachusetts Rules of Professional Conduct, Massachusetts Attorney's Oath, etc.

However, very mysteriously all of the Court's eighteen (18) documents disappeared.

May 28, 1998. Massachusetts Supreme Judicial Court made its decision.

June 16, 1999, petitioner wrote a letter to the Honorable Chief Justice Herbert P. Wilkens, when he learned that the documents were not available to the Honorable Justices before making the decision on this action attached (App. p. 35).

Petitioner received a letter dated June 18, 1999, from Jean M. Kennett attached (App. p. 39), however, Ms. Kennett has misrepresented the facts in the action petitioner's documents were not two pages attached (App. p. 39) petitioner filed eighteen (18) packages of documents consisting of five (5) pages in each package.

Ms. Fallon again committed perjury and made defamatory statements against the petitioner.

July 6, 1999, petitioner responded to the misconduct of Ms. Fallon attached (App. p. 14).

July 6, 1999, Massachusetts Supreme Judicial Court denied the Reconsideration attached (App. P. 40).

Now the issues are before this Honorable Court.

## ARGUMENT

### REASONS FOR GRANTING THE PETITION

### I. CERTIORARI SHOULD BE GRANTED TO PROTECT PRO SE LITIGANTS, THE POOR AND MINORITIES THE SAME LEGAL RIGHTS AS THAT OF ATTORNEYS

The appellate Tax Board scheduled a hearing at 9:30 A. M.

The petitioner is a senior citizen and had to get up at 4:30 A. M. to be present at the Appellate Tax Board.

The Courtroom "A" that the hearing was to take place was closed.

The individual that was to hear the case, Kenneth W. Gurge, nor the clerk Nancy T. Egan were present.

Petitioner was compelled to wait in the corridor and later he had to wait in the resolving office.

The respondent was not present.

Nancy T. Egan, the clerk finally arrived, the petitioner informed her that the respondent was not present and that he requested that a Default and Judgment be ordered.

Ms. Egan said, "you have to wait for them no matter what time they come"

Pursuant to Massachusetts Rules of Civil Procedure Rule 55: clearly states if party is

not present at scheduled date and time default is to be placed upon them and judgment is in order.

Petitioner was present at the time scheduled for hearing with his documents and his witness to present his case.

There is no law in the Massachusetts General Laws nor any other statutes that states that pro se litigants, the poor or minorities have to wait for attorneys "no matter what time they come".

However, Massachusetts Courts are making their own laws which do not exist.

Pro Se litigants, the poor and minorities are being discriminated against, they are being ordered to wait for attorneys no matter what time they decide to come. They are denied the legal right to present their case and present their witnesses.

In addition they are being denied their Constitutional rights to due process of law and equal protection of the law.

The Massachusetts Courts are not owned by attorneys, clerks, or other employees in the courts, but are owned by the people of the Commonwealth of Massachusetts.

The people of the Commonwealth of Massachsetts have a right to see that their Courts are being operated within the law and justice is being granted to all.

All Individuals having business in the Massachusetts Court System be treated equally

whether or not they are attorneys.

## II. CERTIORARI SHOULD BE GRANTED TO PROTECT THE PETITIONER FROM BEING DEPRIVED OF HIS CONSTITUTIONAL RIGHTS AS SET FORTH IN THE UNITED STATES CONSTITUTION

The United States Constitution Amendment V: states in pertinent part: "cannot be deprived of life, liberty, or property, without due process of law".

The United States Constitution Amendment XIV: "All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make of enforce any law which shall abridge the privileges or immunities of citizens of the United States: nor shall any State deprive any person of life, liberty or property, without due process of law: nor deny any person within its jurisdiction the equal protection of the law.

Due process of law and equal protection of the law is a fundamental constitutional guarantee that no state shall deprive any person the right to due process of law and equal protection of the law.

Petitioner paid court fees of $130.00 to the Appellate Tax Board to have a hearing on his overvalved property.

The Tax Board refused to give him a trial

and refused to place a Default and Judgment against the respondent, in spite of the fact, that the law required them to order Default and Judgment against the respondent.

Petitioner was knowingly and wilfully denied equal justice and due process of law by the Appellate Tax Board of Massachusetts.

## III. CERTIORARI SHOULD BE GRANTED TO ENFORCE RULE 34 OF THE MASSACHUSETTS RULES OF CIVIL PROCEDURE

Rule 34 of the Massachusetts Rules of Civil Procedure allows a party to seek documents and other matters in the possession, custody, or control of the opposing party. This rule is identical to Federal Rules of Civil Procedure Rule 34 **STROM v. AMERICAN HONDA MOTOR CO INC.** 667 NE 2d 1137 (1996).

This is a question of considerable importance to the practical administration of discovery in our courts, and we have never addressed it. "Because the Massachusetts Rules of Civil procedure are patterned after the Federal rules, we interpret our rules consistently with the consistently with the construction given their Federal counterparts" **SEE SOLIMENE v. G. GRAUEL, KG** 399 Mass 790,800,507 NE 2d 662 (1987).

The early pronouncements of the Supreme Court of the United States has provided the touchstone for interpreting the discovery rules. The Supreme Court has stated that instruments of

discovery serve a useful purpose..... They together with pretrial make a trial less a game of blindman's bluff and more a fair contest with the basic issues and facts disclose to the fullest practicable extent **UNITED STATES v. PROCTER & GAMABLE CO.** 356 U.S. 677.

"Discovery is one of the working tools of the legal profession. It seems clear and long has been recognized that discovery should provide a party access to anything that is evidence in his case," **HICKMAN v. TAYLOR** 329 U.S. 495, 515.

"No longer can the time-honored cry of fishing expedition serve to preclude a party from inquiring into the facts underlying his opponent's case" **SUPRA, STROM v. AMERICAN HONDA MOTOR CO, INC.**

February 15, 1999, petitioner requested Production of Documents attached (App. p. 4).

Respondent would not give petitioner requested documents which he is entitled to under the law.

Petitioner filed Judgment Against The Respondent for failure to produce documents attached (App. p. 1).

The court erred in not ordering judgment against the respondent.

Judgment is appropriate when party fails to furnish requested documents.

## IV. THE COURT SHOULD GRANT CERTIORARI WHEN PETITIONER IS BEING DISCRIMINATED AGAINST AND IS CONTINUING TO EXPERIENCE ALL TYPES OF HATE CRIMES

Petitioner is being discriminated against as his properties are being over-valued in relation to other properties in the city of Malden.

Property located at 371 Bryant Street was purchased by the appellant in approximately 1995, for a price of $85,000.00 attached (App. p. 30).

The property is overvalued by the respondent in the amount of $200,900.00.

House located on Bryant Street has an in-ground swimming pool and has a valuation of $132,600.00.

House around the corner from Bryant Street located at 136 Harvard Street has a complete finished basement and the property is valued at $148,400.00

Petitioner's property has a continuous problems with flooding.

This problem was done wilfully and knowingly by the acts of the City of Malden, Building Inspector Devine, and member of the Malden Engineering Department by making workers constructing the house, dig too deep causing the house to be built deeper in the ground which resulted in continuous flooding.

The Malden Police would not remove cars that blocked the petitioner's driveway and he was unable to get his car out of the garage

**SEE PHOTOGRAPHS BLOCKING DRIVEWAY** attached (App. p. 7),

Malden Police Department would not investigate burglaries, would not take fingerprints, would not put stolen items on the City or State Computer, while on the other hand the Malden Police Department removed cars blocking other individuals driveway and investigated burglaries for other individuals in the city.

City of Malden would not collect the petitioner's rubbish, however, all other residents in the city had their rubbish collected.

There is continuing damage to the petitioner's properties, broken windows, car windows and screws are being placed in the petitioner's automobile tires along with other damages, however, the City of Malden has made no effort to apprehend the individuals responsible.

Property located at 27 Upham Street is also overvalue by the respondent in the amount of $138,100.00, with only 3,571 square feet of land.

The house next to the petitioner at 25 Upham Street contains 4, 996 square feet of land and contains a finished attic the property is valued at $123,200.00.

The house located at 11 Upham Street is a 3 family dwelling and has a garage and is only assessed for $136,500.00.

Petitioner's property is being overvalued by the respondent by means of discrimination.

Thomas Nealon, an employee of the City of Malden wilfully with malice, discriminated committed a Hate Crime against the petitioner.

Mr. Nealon shut off the water supply from sidewalk in December of 1998, without notifying the petitioner, in spite of the fact, that all water and sewer bills have been paid in full, making the property worthless since there is no water service in the complete house.

Mr. Nealon did not notify the petitioner of the water being shut off, since it was shut off in the winter the plumbing has been damaged and their are other damages to the property.

Appellant had to return rent deposits to tenants who were to move into the apartment, because of no water supply it made it an unhealthy and uninhabitable situation. As a result the petitioner is continuing to experience monetary losses.

City of Malden and Mr. Nealon are still refusing to restore the water up to and including this date.

The petitioner is being discriminated against when the City of Malden refused to make a curb cut for his driveway, however, they used part of the petitioner's sidewalk to make the drive way cut for the house next door at 25 Upham Street.

In addition, since the petitioner is the only house on the street that does not have a

place to park his car.

The law regarding parking over night on the street is only for cars not having a place on their property and commercial vehicles are banned.

Individuals who have places on their property to park their cars are leaving their cars on the street over night and commercial vehicles are parked over night on the street.

The Malden Police Department is not enforcing this law.

The most recent Hate Crime inflicted upon the petitioner, occurred when fraudulent water bills on the property at 353 Bryant Street are being mailed to the petitioner in the thousands of dollars which do not agree with water meter readings.

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## V. THE COURT SHOULD GRANT CERTIORARI BASED ON THE FACTS AND EVIDENCE PRESENTED TO THE INFERIOR COURTS THEY ERRED IN ITS DECISION

The Appellate Tax Board erred when it rendered a decision based on the following: "The decision is for the appellee. The appeals are dismissed for lack of prosecution".

The Appellate Tax Board scheduled a hearing date of March 4, 1999 at 9:30A.M.

The petitioner was present at 9:30 A.M. with his documents and witness to present his case at the Appellate Tax Board.

Respondent was not present, therefore, pursuant to Massachusetts General Law a Default and Judgment must be granted to the petitioner.

Petitioner was present to try his case, however, it was the Appellate Tax Board who refused to hear the case as scheduled on 9:30 A. M.

Therefore, the petitioner was denied justice after paying court fees of $130.00, to the Appellate Tax Board and receiving nothing, not even giving the petitioner a hearing for which he paid for.

Clerks are making their own laws and regulations that are not passed by the Massachusetts legislature.

This fact is fortified by Nancy Egan's own statement (who is a clerk) **"YOU HAVE TO WAIT FOR THEM NO MATTER WHAT TIME THEY COME".**

Pro Se litigants are entitled to the same rights under both the United States and Commonwealth of Massachusetts Constitutions, however, this is not the case in Massachusetts.

Pro Se litigants are tossed aside they are not receiving due process of law and equal protection of the law. Their cases are being tossed out of court based on false decisions that do not comply with the issues that occurred in the actions.

The Appellate Tax Board has made their own

two sets of rules one for attorneys and the other set for Pro Se litigants, the poor and minorities.

After researching the laws and regulations that are applicable to the Appellate Tax Board "attorneys are not allowed to appear in court any time they want to come".

There is also a question as to the decision being valid, based on the fact that it contains names of individuals who were not at the hearing, since there was no hearing on the date and time as scheduled by the Appellate Tax Board attached (App. p. 32).

The inferior court erred when they failed to Order a Default and Judgment against the respondent for failure to appear in court on the time as scheduled by the Appellate Tax Board.

Therefore, was denied due process of law and equal protection of the law.

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## VI. THE COURT SHOULD GRANT CERTIORARI WHEN DOCUMENTS TO THE MASSACHUSETTS JUDICIAL COURT MYSTERIOUSLY DISAPPEARED

The petitioner filed with the Massachusetts Supreme Judicial Court one original copy and seventeen copies of the document entitled "Sanctions Against Kathryn M. Fallon" for committing perjury, violations of the Massachusetts Rules of Professional Conduct, Massachusetts Attorney's Oath, and made defamatory statements against the petitioner injuring his character and reputation

attached (App. p. 8).

However, very mysteriously all of the Court's documents disappeared from the possession of the Massachusetts Supreme Court entitled "Sanctions Against Kathryn M. Fallon" leaving one to wonder who would gain if all these eighteen copies disappeared attached (App. p. 8).

Petitioner learned that the documents entitled "Sanctions Against Kathryn M. Fallon" were not available to the Honorable Justices before making the decision on this action, therefore, he wrote to the Honorable Chief Justice Herbert P. Wilkens attached (App. p. 35).

Petitioner received a letter from Ms. Kennett, however, Ms. Kennett has misrepresented the facts in the action. Petitioner's documents were not two pages attached (App. p. 39) petitioner filed eighteen (18) packages of documents consisting of five (5) pages in each package.

The Massachusetts Supreme Judicial Court never found the documents that the petitioner filed entitled "Sanctions Against Kathryn M. Fallon.

## VII. THE COURT SHOULD GRANT CERTIORARI TO DISBAR KATHRYN M. FALLON FROM PRACTICING LAW THROUGHOUT THE UNITED STATES OF AMERICA

Attorney Kathryn M. Fallon has continously committed perjury, she has accused the petitioner of committing perjury, without producing one shed of evidence.

Ms. Fallon has made defamatory remarks against the petitioner resulting in damaging his reputation and character which are acts that are libel.

Ms. Fallon has committed perjury by making the following statement:

"I hereby certify under the pains and penalties of perjury, that I have made service on June 28, 1999, of the following listed documents:"

"1 Motion and Memorandum of the Appellee, Malden Board of Assessors."

"Service was make upon Fred Davis, Appellant, by delivery of the same, postage-prepaid, at the following address; Mr. Fred Davis 353 Bryant Street Malden, Ma 02148".
Signed Kathryn M. Fallon BBO:631528, City of Malden, 200 Pleasant Street Malden, Ma

Ms. Fallon did not make service on June 28, 1999, which she certified under the pains and penalties of perjury.

Service was make to the petitioner on

June 29, 1999, taking away time from the petitioner necessary to respond to her document attached (App. p. 22).

Ms. Fallon is continuing to misrepresent the facts to the Court.

Ms. Fallon in the caption to her response to the "Appellant's Motion For Sanction Against Kathryn M. Fallon she leaves out the words "against Kathryn M. Fallon", thereby misrepresenting the caption of the petitioner's motion.

May 7, 1999, petitioner served Motion For Sanctions Against Kathryn M. Fallon" attached (App. p. 8).

After approximately fifty-four (54) days, Mr. Fallon files an opposition which is not timely and not allowable as prescribed by law, however, the court erred in excepting her document.

No matter how hard Ms. Fallon tries to cover the fact that she commited perjury as set forth in the petitioner's Motion For Sanctions Against Kathryn M. Fallon" attached (App. p. 8).

She cannot hide the fact that her document was not delivered in hand to the petitioner.

Ms. Fallon has two contradictory statements (1) "delivering same in hand to Fred Davis at 353 Bryant Street Malden Ma." (2) "Unreachable, left at mail box 353 Bryant Street Malden" attached (App. p. 23).

Ms. Fallon has another different version now its "left at door attached (App. p. 24).

All these statements are raised. Document was not delivered in hand to Fred Davis, Document was not left in a mail box on 353 Bryant Street Malden. Document was not left at door.

There is no mail box at 353 Bryant Street Malden, Ma.

It would be humanly impossible to leave anything at the door at 353 Bryant Street, since the premises is completely enclosed and the gates are locked at all times attached (App. p. 25).

This document was discovered in a mail box on Bryant Street

Ms. Fallon lied to the court by making the following statements: "To state that document was not delivered and then state that document was discovered in a mailbox on Bryant Street is pure perjury on the appellant's part" attached (App. p. 26 and 27).

"Just because the appellant chose not to come to the door does not mean that he was not served with the documents" (attached p. 26).

Ms. Fallon showed no evidence of pure perjury on the part of the petitioner.

"Ms. Fallon accuses the petitioner, Fred Davis, of chosen not to come to door, however, she shows no evidence that the petitioner chose not to come to his door.

Ms. Fallon knowingly and wilfully violated the Massachusetts Rules of Professional Conduct,

Massachusetts Attorney's Oath by lying to the Court, continuously committed Perjury and obstructed justice.

Ms. Fallon acted as a Notary Public in the Affidavit of Robert Donelly in which Ms. Fallon has become a party, therefore, it has all the making of a conflict of interest.

Ms. Fallon was fully aware, that the water supply was shut off, in spite of the fact, that all water and sewer bills were paid in full. She took no steps to have the water supply restored.

Ms. Fallon based on the facts and evidence committed perjury and obstructed justice.

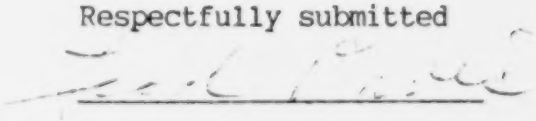
Ms. Fallon should be disbarred from practicing law throughout the United States of America.

No one is above the law not even the president of the United States of America **JONES v.CLINTON** L.R.C 94-290.

## CONCLUSION

**WHEREFORE**, Petitioner, Fred Davis respectfully prays that a Writ of Certiorari issue to review the inferior courts' decisions and correct the miscarriage of justice inflicted upon the petitioner and any other relief the Honorable Court deems appropriate.

Respectfully submitted



Fred Davis
353 Bryant Street
Malden, Ma 02148
(781) 322-8223

App. 1

COMMONWEALTH OF MASSACHUSETTS

APPELLATE TAX BOARD

SUFFOLK, SS

DOCKET NO. F249040-PRO
DOCKET NO. F249041-PRO

FRED DAVIS,
Petitioner

vs.

BOARD OF ASSESSORS OF THE CITY OF MALDEN,
Respondent

MOTION FOR JUDGMENT AGAINST THE RESPONDENT BOARD OF ASSESSORS OF CITY OF MALDEN

Now comes the petitioner, Fred Davis, in the above-cited action and demands judgment against the respondent, Board of Assessors of the city of Malden for failure to produce documents.

February 15, 1999, the petitioner served upon the respondent Motion For Production of documents **SEE ATTACHED DOCUMENT #1.**

The respondent failed to produce requested documents, therefore, the petitioner demands judgment against the respondent as a matter of law.

Petitioner demands that all real estate taxes paid on property located at 27 Upham Street since 1998, be returned to the petitioner and immediate water supply be restored forthwith.

Respondent wilfully with malice, discriminated and committed a hate crime shut off the water supply from the sidewalk without notifying the petitioner, making the property worthless thus having no fair cash value.

In addition, the petitioner's health has been effected, his welll being is being in danger and he is continuing to endure pain and suffering.

Respondent has caused the damages to the petitioner's property including the plumbling system etc.

Respondent is still refusing to restore the water supply.

Property located at 371 Bryant Street is over-valued the fair market cash value.

Property was purchased at a price of $85,000.

Bryant Street is located in a bad location in the City of Malden.

House located on Bryant Street has an inground swimming pool and has a valuation of $132,600.00.

House around the corner from Bryant Street located at 136 Harvard Street has a brick front, complete finished basement and the property is valued at $148,400.00.

Petitioner's property is over-valued at $200,900.00, and has continuous problems with flooding. This problem was done wilfully and knowingly by the acts of the City of Malden, Building Inspector Devine and members of the Malden's Engineering Department by making the previous owner's workers who were constructing the house dig too

deep causing the house to be built deeper in the ground which has resulted in continuous flooding.

The City of Malden also violated the petitioner's United States Constitutional Rights when petitioner did not receive equal protection of the law.

The police would not remove cars that blocked the petitioner's driveway and he was unable to get his car out of the garage **SEE PHOTOGRAPHS BLOCKING DRIVEWAY DOCUMENT #2 ATTACHED HERETO:**

Malden Police Department would not investigate burglaries, would not take fingerprints, would not put items on the City or State Computers, while on the other hand the Malden Police Department investigated burglaries for other individuals in the city.

City of Malden would not collect the petitioner's rubbish, however, all other residents in the city had their rubbish collected.

There is continuing damage to the petitioner's properties, broken windows, car window broken and screws are being placed in the petitioner's automobile tires along with other damages, however, the City of Malden has made no effort to apprehend the individuals responsible.

Not only is the petitioner's United States Constitutional Rights are being violated, he is also being discriminated against.

Therefore, based on the foregoing facts and evidence the petitioner's motion for Judgment Against The Respondent must be granted.

By.
S/ Fred Davis

HAND DELIVERED

COMMONWEALTH OF MASSACHUSETTS
APPELLATE TAX BOARD

SUFFOLK, SS. DOCKET NO. F249040-98-PRO
DOCKET NO. F249041-98-PRO

FRED DAVIS,
Appellant

vs.

BOARD OF ASSESSORS OF
THE CITY OF MALDEN,
Appellee

MOTION FOR PRODUCTION OF DOCUMENTS

Now comes the Appellant, Fred Davis in the above-cited action and requests the production of documents as listed below:

(1) From January, 1, 1998, to the present, all records, notes memoranda, Real Estate Tax Bills, water & Sewer Bills, water meter reading cards, telephone conversations with the appellant, telephone conversations with others pertaining to all issues, etc.., regarding the property located at 27 Upham Street.

(2) From January 1, 1998, to the present, all Real Estate Tax Bills and all records of real estate assessments to the property of 25 Upham Street.

(3) From January 1, 1998, to the present

all records, notes memoranda, correspondence telephone conversations with the appellant including dates. All records, notes memoranda, correspondence, telephone conversations with the appellant including dates. All Records, note, memoranda, correspondence, telephone conversations and contents of these conversations with others pertaining to the shutting off the water supply located at 27 Upham Street, including date and time of this shut off water supply. All records, notes, memoranda, correspondence indicating if water supply was ever restored.

(4) January 1, 1998 to the present, all water and sewer bills, real estate bills, all water card readings pertaining to both 371 Bryant Street and 353 Bryant Street.

(5) All house plans and blue prints, records correspondence, memoranda, notes, telephone conversations with others pertaining to the properties located at 371 and 353 Bryant Street.

(6) From January 1, 1998, to the present all Real Estate Tax Bills, all records of real estate assessments to the property at 136 Harvard Street.

(7) From January 1, 1998, to the present all Real Estate Tax Bills, water and sewer bills, all records of real estate assessments to the property located at the corner of Harvard and Bryant Streets which contains an inground swimming pool.

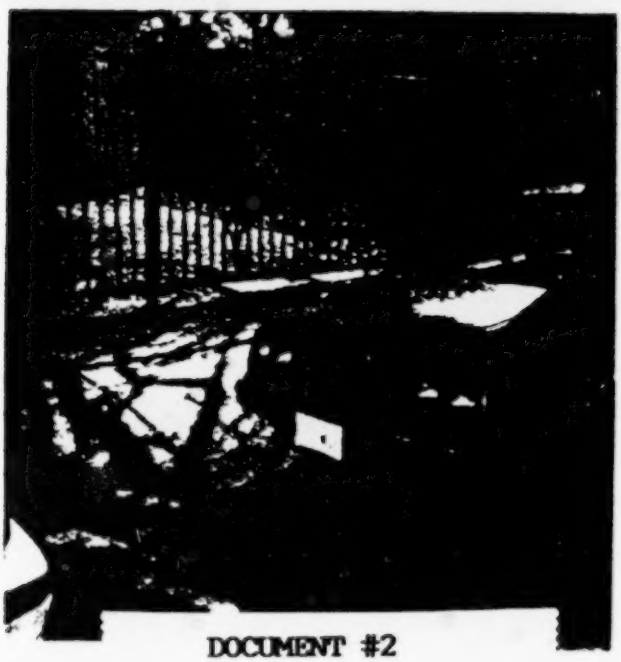
(8) From January 1, 1985, to the present, list records, notes, memoranda, etc., pertaining to all occurring crimes in Ward 7 Precinct 2.

By,
S/ Fred Davis
353 Bryant Street
Malden, Ma 02148

CERTIFICATE OF SERVICE

I, certify that I mailed a true copy of the foregoing document to: Board of Assessors of the City of Malden 200 Pleasant Street Malden, Ma 02148 postage prepaid.

Date 2-15-99 S/Fred Davis



DOCUMENT #2

COMMONWEALTH OF MASSACHUSETTS

SUPREME JUDICIAL COURT

SUFFOLK COUNTY, SS DOCKET NO. DAR-10557

**********
FRED DAVIS, *
Appellant *
*
vs. *
*
BOARD OF ASSESSORS OF THE*
CITY OF MALDEN, *
Appellee *
**********

**APPELLANT'S MOTION FOR SANCTIONS AGAINST KATHRYN M. FALLON**

Now comes the appellant, Fred Davis in the above-cited action and being appalled by the misconduct of the appellee's attorney Kathryn M. Fallon BBO 631528, files his Motion For Sanctions against Kathryn M. Fallon.

(1) Kathryn Fallon committed perjury in her Certificate of Service.

(2) Ms. Fallon violated the Massachusetts Attorney's Oath by telling falsehoods to the Massachusetts Supreme Judicial Court.

(3) Ms. Fallon violated the Canon Rules Canon 1 Disciplinary Rules DRI-102 Misconduct.

(4) Ms Fallon made defamatory statements about the appellant, Fred Davis causing him pain and suffering.

**MEMORANDUM IN SUPPORT OF APPELLANT'S MOTION FOR SANCTIONS AGAINST KATHRYN M. FALLON**

Kathryn M. Fallon commited perjury in her Certificate of Service.

Kathryn M. Fallon's Certificate of Service states as follows:

"I, hereby certify, under the pains and penalties of perjury, that I have made service on this date of the following listed documents".
1. Motion and Memorandum of the Appellee, Malden Board of Assessors in Opposition of Application For Direct Appellate Review.

Service was made upon Fred Davis, Plaintiff-Appellant, by delivery of the same, in hand, at the following address:

Mr. Fred Davis
353 Bryant Street
Malden, Nassachusetts 02148

Signed Kathryn M. Fallon
BBO: 631528

This document was not delivered to the appellant, Fred Davis in hand, nor was it delivered at 353 Bryant Street in Malden.

This document was discovered in a mail box on Bryant Street Malden,

Kathryn M. Fallon committed perjury in her Certificate of Service.

Kathryn M. Fallon violated the Massachusetts Attorney's Oath by telling falsehoods to the Mass-

achusetts Supreme Judicial Court.

Massachusetts General Laws 221 section 38 Attorney's Oath States: "You (Name) solemnly swear that you will do no falsehood, nor consent to the doing of any in Court". "So Help You God".

Ms. Fallon throughout her Motion and Memorandum she continuously made false statements that the "appellant decided not to prosecute his petitions. These statements are false, moreover, she does not know what occurred in the court because she was not there.

Ms. Fallon does not show any evidence of a written withdrawal by the appellant that he decided not to prosecute his petitions.

Ms. Fallon knowingly and wilfully is using falsehoods before the honorable Massachusetts Supreme Judicial Court which is a violation of the Attorney's Oath that she swore to uphold.

Ms. Fallon made the following false statements which appears on page 7 of her document: "The appellant chose not to provide any evidence to support his petitions....." Ms. Fallon was not present in the courtroom and she did not know what occurred, what was said and what documents were given to the Appellate Tax Board.

Ms. Fallon defied the oath she swore to abide by.

**KATHRYN M, FALLON VIOLATED THE CANON RULES: Canon disciplinary rules DRI-102 Misconduct.**

Canon Rules DRI-102 Misconduct: (a) a lawyer shall not : (4) engage in conduct involving

dishonesty, fraud, deceit, or misrepresentation. (5) Engage in conduct that is prejudicial to the administration of justice.

Ms. Fallon has engaged in dishonesty, fraud and deceit before the Massachusetts Supreme Court. She is making complete falsehoods and has no evidence to substantiate what occurred on May 4, 1999, as she was not present in the Courtroom on that day.

Nancy Egan informed the appellant, "You have to wait for them no matter what time they come".

Ms. Fallon is acting in bad faith with actual intent to deceive and fraud the court. GROH v. VIGLET 34 Ohio Law R 132 "an act done with actual intent to deceive another is an act in bad faith". IN HILGENBERG v. NORTHRUP 33 N.E. 786,787, 134 Ind 92 "Bad faith and fraud are synonymous.

**KATHRYN M. FALLON MADE DEFAMATORY STATEMENTS ABOUT THE APPELLANT, FRED DAVIS, CAUSING HIM PAIN AND SUFFERING.**

The Appellate Tax Board Scheduled a hearing at 9:30 A. M. the appellee was not presented.

The appellant informed the clerk to place a default against the appellee for failure to appear in the Appellate Tax Board as scheduled by the Appellate Tax Board.

Kathryn M. Fallon made the following defamatory statement against the appellant, "the Appellant dictated it should begin" SEE PAGE 8 OF HER DOCUMENT.

Kathryn M. Fallon made the following defamatory statement against the appellant, "Appellant expected special treatment because he thought he could order

The Appellate Tax Board to begin his hearing when" (the rest of the space is left blank) SEE PAGES 9 AND 10 OF HER DOCUMENT.

Kathryn M. Fallon made the following defamatory statement against the appellant, "he believes he is above the law, expects special treatment, and thinks that he can manipulate agencies and courts to decide in his favor by creating non-existent issues and making statements and slanderous allegations". SEE PAGES 11 AND 12 OF HER DOCUMENT.

These defamatory statements against the appellant is a continuation of the misconduct of Kathryn M. Fallon.

She made false statements to obstruct justice, and fraud to deceive and misrepresent the facts to this Honorable Court.

Kathryn M. Fallon has not shown one shed of evidence to substantiate one statement that she has made but merely a complete series of falsehoods, which fortifies and substantiates that Ms. Fallon has violated the Massachusetts Attorney's Oath and Canon Rules.

Kathryn M. Fallon has caused the appellant, Fred Davis pain and suffering in addition to pain and suffering he is experiencing in the hands of the appellee and other departments in the City of Malden.

**WHEREFORE,** Based on the foregoing facts and

evidence the appellant moves the Honorable Court to place sanctions against Kathryn M. Fallon for committing perjury, violations of the Massachusetts Attorney Oath and Canon Rules. She has damaged the appellant's reputation and character by her defamatory statements against the appellant.

The appellant request the Honorable Court to disbar Kathryn M. Fallon from practicing law in the Commonwealth of Massachusetts.

By,

S/ Fred Davis
353 Bryant Street
Malden, Ma 02148

COMMONWEALTH OF MASSACHUSETTS
SUPREME JUDICIAL COURT

SUFFOLK COUNTY, SS DOCKET NO. DAR-10557

**********
FRED DAVIS, *
Appellant *
*
vs. *
*
BOARD OF ASSESSORS OF THE *
CITY OF MALDEN, *
Appellee *
**********

APPELLANT'S OPPOSITION TO MOTION FOR SANCTIONS AGAINST APPELLANT, FRED DAVIS AND MEMORANDUM IN OPPOSITION TO APPELLEE'S MOTION IN OPPOSITION TO APPELLANT'S MOTION FOR SANCTIONS AGAINST Kathryn M. Fallon

Now comes the appellant, Fred Davis in the above-cited action and opposes the appellee's motion and appellee's caption is missing the name of Kathryn M. Fallon to this caption.

(1) Kathryn M. Fallon is continuing to commit perjury in her Certificate of Service.

(2) Ms. Fallon is continuing to misrepresent the facts to the Honorable Court and left her name off the Caption as the "Appellant's Motion For Sanctions Against Kathryn M. Fallon" which is a portion of her response.

(3) Ms. Fallon's motion in opposition to "Appellant's Motion For Sanctions Against Kathryn M. Fallon" is not timely. Her opposition has been filed approximately fifty four (54) days

after service of appellant's motion.

(4) Ms. Fallon clearly fortified the fact that hearing did not commence until she arrived She admits that she was not there at the time scheduled by the Appellate Tax Board.

(5) Based on the facts and evidence, Robert Donnelly committed perjury in his affidavit.

(6) Appellee not entitled to any sanctions against appellant.

(7) Ms. Fallon has made defamatory remarks against the appellant damaging his reputation and character which are libel acts.

MEMORANDUM IN SUPPORT OF APPELLANT'S OPPOSITION TO MOTION FOR SANCTIONS AGAINST APPELLANT, FRED DAVIS AND MEMORANDUM IN OPPOSITION TO APPELLEE'S MOTION IN OPPOSITION TO Appellant'S MOTION FOR SANCTIONS AGAINST KATHRYN M. FALLON

Ms. Fallon is continuing to commit perjury in her Certificate of Service.

Kathryn M. Fallon's Certificate of Service states as follows:

"I hereby certify under the pains and penalties of perjury, that I have made service on June 28, 1999, of the following listed documents:"
"1. Motion and Memorandum of the Appellee, Malden Board of Assessors."

"Service was made upon Fred Davis, Appellant by delivery at the same, postage-prepaid, at the following address: Mr. Fred Davis 353 Bryant Street Malden, Ma 02148"
S/ Kathryn M. Fallon BBO: 631528 City of Malden 200 Pleasant Street Malden, Ma. **SEE APPELLANT'S EXHIBIT "A".**

Ms. Fallon did not make service on June 28, 1999, which she certified under the pains and penalties of perjury.

Service was made to the appellant on June 29, 1999, **SEE APPELLANT'S EXHIBIT "B".**

Ms. Fallon is continuing to misrepresent the facts to the court.

The document which she is responding to is entitled "Appellant's Motion For Sanctions against Kathryn M. Fallon" was filed with the court on May 7, 1999, and served upon the appellee the same day, moreover, very mysteriously all of the court's eighteen (18) copies disappeared.

Appellant was compelled to furnish the court with another copy of this document.

Now, Ms. Fallon in the caption of the "appellant's Motion For Sanctions Against Kathryn M. Fallon she leaves out the words "against Kathryn M. Fallon", thereby misrepresenting the caption of the appellant's motion.

May 7, 1999, appellee was served "Appellant's Motion For Sanctions Against Kathryn M. Fallon".

After approximately fifty-four days, Ms. Fallon files an opposition which is not timely and not allowable as prescribed by law.

No matter how hard Ms. Fallon tries to coverup the fact that she committed perjury as set forth in Appellant's Motion For Sanctions Against Kathryn Fallon, she cannot hide the fact her document was not delivered in hand to Fred Davis.

Appellee's Exhibit B has two contradictory statements (1) delivering same in hand to Fred Davis at 353 Bryant Street Malden, Ma." (2) "Unreachable, left at mail box 353 Bryant Street Malden." SEE **APPELLANT'S EXHIBIT "C".**

Appellee's Exhibit A has also a different version it states "left at door SEE **APPELLANT'S EXHIBIT "D".**

All these statements are false. Document was not delivered in hand to Fred Davis. Document was not left in a mail box on 353 Bryant Street Malden. Document was not left at door.

There is no mail box at 353 Bryant Street Malden.

It would be humanly impossible to leave anything at the door at 353 Bryant Street, since the premises is completely enclosed and the front gate is locked at all times SEE **PHOTOGRAPHS APPELLANT'S EXHIBIT "E".**

The document was discovered in a mail box on Bryant Sreet Malden, Ma.

Ms. Fallon is continuing to tell falsehoods to the court by making the following false statements: "To state that document was not delivered and then state that document was discovered in a mailbox on Bryant Street is pure perjury on the appellant's part" SEE **APPELLANT'S EXHIBIT "F"** "Just because the appellant chose not to come to his door does not mean that he was not served with the documents" SEE **APPELLANT'S EXHIBIT "G"**

Ms. Fallon shows no evidence of pure jury

on the part of the appellant.

Ms. Fallon accuses the appellant, Fred Davis of choose not to come to his door, however, she shows no evidence that appellant chose not to come to his door.

These statement made by Ms. Fallon are libel.

Ms. Fallon clearly states she was not present at the time scheduled at Appellate Tax Board.

She fortified the fact, that Nancy Egan said, "you have to wait for them no matter what time they come", as Ms. Fallon states a hearing commenced when she arrived.

In Robert Donnelly's Affidavit he made statements that are false and lack any evidence to substantiate these statements that are set forth in the following numbers in his affidavit:

6. Shows no evidence that the appellant said that he stole things, nor did he furnish any date/dates when this was said. To the appellant's knowledge he never spoke with a Robert Donnelly. Shows no evidence that letters were mailed to the appellant for inspections.

9,10,11,13, and 14. Appellant's conversation with Nancy Egan was in the doorway facing the Corridor, it would humanly be impossible to hear the conversation between both parties.

Based on the following facts and lack of evidence on the part of Robert Donnelly it appears that Mr. Donnelly committed perjury.

In addition, Ms. Fallon acted as a Notary Public in Robert Donnellly's Affidavit in which Ms. Fallon has become a party, therefore, it has all the marking of a conflict of interest.

Ms. Fallon shows no cause for sanction against the appellant, Fred Davis.

Ms. Fallon has made libelous remarks against the appellant. She had accused him of committing perjury although she shows no evidence. She has accused him of not coming to his door without showing any evidence. She has accused the appellant of wasting the time of the court/administrative agency, when she is the one that the court waited for because she was not on time while on the other hand the appellant is the one who was on time.

Ms Fallon has made defamatory remarks against the appellant resulting in damaging his reputation and character and are acts that are libel.

In addition, the water supply located at 27 Upham Street Malden, Massachusetts has been shut off since December and has not been restored, in spite of the heat waves, continuing to make the premises not habitable and worthless.

Causing damages to said premises and pain and suffering to appellant causing severe injuries to the appellant's health and monetary losses.

**WHEREFORE,** Based on the foregoing facts and evidence the appellant moves the Honorable Court to place sanctions against Kathryn M. Fallon

for committing perjury, violations of the Massachusetts Attorney Oath and Canon Rules. She has damaged the appellant's reputation and character by her defamatory statements against the appellant.

The appellant request the Honorable Court to disbar Kathryn M. Fallon from practicing law in the Commonwealth of Massachusetts

By,
S/Fred Davis

CERTIFICATE OF SERVICE

I certify that I mailed a copy of Appellant's Opposition To Motion For Sanctions Against Appellant, Fred Davis and Memorandum in opposition to Appellee's Motion For Sanctions Against Kathryn M. Fallon to: Kathryn M. Fallon City of Malden 200 Pleasant Street, Malden, Ma 02148 Certified Mail Z 307 390 817 postage prepaid.

Date 7-6-99 S/ Fred Davis

COMMONWEALTH OF MASSACHUSETTS

SUPREME JUDICIAL COURT

SUFFOLK COUNTY DOCKET NO. DAR-10557

CERTIFICATE OF SERVICE

FRED DAVIS,
Appellant

vs.

MALDEN BOARD OF ASSESSORS,
Appellee

I hereby certify under the pains and penalties of perjury, that I have made service, on June 28, 1999, of the following listed documents.

1. Motion and Memorandum of the Appellee, Malden Board of Assessors.

Service was made upon Fred Davis, Appellant, by delivery of the same postage-prepaid, at the following address:

Mr. Fred Davis
353 Bryant Street
Malden, Ma 02148

S/Kathryn M. Fallon
BBO: 631528
City of Malden
200 Pleasant Street
Malden, Ma 02148

**APPELLANT'S EXHIBIT "A"**

U.S.POSTAGE Dated June 29, 99

Law Department

City of Malden
Massachusetts
Malden Government Center
Two Hundred Pleasant Street
Malden, Massachusetts

Mr. Fred Davis
353 Bryant Street
Malden, Ma 02148

APPELLANT'S EXHIBIT "B"

CITY OF MALDEN

MASSACHUSETTS

Office of the City Solicitor

Charles Toomajian
City Solicitor
John J. Grantor, Jr.
Assistant City Solicitor
Kathryn M. Fallon
Assistant City Solicitor
Edward M. Wheeler
Assittant City Solicitor

**HAND WRITTEN AS FOLLOWS:**

On this day April 30, 1999, I John Herring of All Points Delivery, served the following by delivering same in hand to Fred Davis at 353 Bryant Street Malden, Ma.

RECIPIENT

Unreachable left at
mail Box 353 Bryant Street, Malden

Delivery agent

S/ John Herring

**APPELLANT'S EXHIBIT "C"**

All Points Delivery Service
Mystic Avenue
Medford, Ma 02155

Malden Solicitors Office
200 Pleasant Street
Malden, Ma

Invoice number:4959
Invoice Date: 05-04-99
Account Number: 031440

04-30-99 Mr. Fred Davis
353 Bryant Street Malden, Ma
Left at door

**APPELLANT'S EXHIBIT "D"**

APPELLANT'S EXHIBIT "E"

Each of these exhibits describes the "in hand" deliveries made by the Appellee. Furthermore, the statement of the Courier specifically describes that the documents were left at the mailbox of the Appellant, at 353 Bryant Street, Malden due to the recipient's being "unreachable". Just because the Appellant chose not to come to his door does not mean that he was not served with the documents.

There is no reason to believe that the delivery service would lie about service of the documents, nor is there any reason to believe that Kathryn Fallon would lie about delivery of the documents.

To state that the document was not delivered, and then state that the document

**APPELLANT'S EXHIBIT "F"**

"was discovered in a mailbox on Bryant Street" is pure perjury on the Appellant's part.

This grave misconduct of the Appellant should neither be tolerated, nor should it go without sanctions. The Appellant should not be allowed to waste the time of any court or administrative agency through perjury such as that committed in his memorandum and motion.

To further state that Kathryn Fallon "made false statements that the appellant decided not to prosecute his petitions...." and that "she does not know what occurred in the court because she was not there" are also perjuries.

**APPELLANT'S EXHIBIT "G"**

SUFFOLK, ss DOCKET NO. DAR-10557

AFFIDAVIT OF CITY OF MALDEN ASSESSOR,
ROBERT DONNELLY

1. I, Robert Donnelly, am the Chairman of the City of Malden Board of Assessors.

2. I have served the City of Malden as an assessor since December 6, 1994.

3. Prior to 1994, I served the City of Malden as Chairman of the Board of Assessors from 1982 to 1985, and I served the City of Malden as a member of the Board of Assessors from 1974 to 1996.

3. Part of my responsibilities as an assessor include appearing on behalf of the Malden Board of Assessors at hearings scheduled before the Appellate Tax Board.

4. I appeared on behalf of the Malden Board of Assessors of the City of Malden, Docket Numbers F249040-98 and F249041-98-PRO.

5. Mr. Davis has refused to allow the assessors to inspect any of his properties located in Malden since 1994.

Signed under the pains and penalties of perjury this 25th day of June, 1999.

S/Robert Donnelly

COMMONWEALTH OF MASSACHUSETTS

Suffolk, ss June 25, 1999

Then appeared the above-named Robert Donnelly

and signed the above as his free act and deed, before.

S/ Kathryn M. Fallon
Notary Public
My Commission Expires:
2/14/2003

| 098 | 452 | 219 | 1 Of 1 | MALDEN, MA |
|---|---|---|---|---|
| MAP | BLOCK | LOT | CARD | |

$200,800
06/06/97
7:39AM

Sales Information 01/01/89
$85,000

Narrative Description
This card has 0.25 Acres of Land mainly classified as residential with an Mult-Gradn Building but about 1960 having primarily wood shing exterior and asphalt Sh Roof cover, with 2 baths, o half baths 2 unts 10 rooms, 6 bedrm.

Building Description:
Foundation Conc, wood frame, wood shing, Brick venr. roof Hip,
Walls Drywall, Floors Carpet, heating oil fuel.
Depreciation 21%.

084 405 512 1 of 1
MAP Block LOT CARD RES MALDEN, MA
27 Upham Street

$138.100
06/06/97
7:40 AM

Sales Information 02/01/84
Sale Price $16,500

LAST REVISION
2/28/97

Narrative Description
This card has 0.08 acres of land mainly classified as residential with an Multi-Grdn Building built about 1910. having primarily wood shing Exterior with Asphalt Sh Roof Cover, with 2 Baths, 0 Half Baths, 2 Units, 10 Rooms, 4 Bedroom.

Building Description:
Attic, Foundation Conc. Block Frame Wood, Wood siding, Roof Hip,
Walls Plaster, Hardwood Floors, Heat Oil, Steam.
Depreciation 30%.

THE COMMONWEALTH OF MASSACHUSETTS
APPELLATE TAX BOARD
LEVERETT SALTONSTALL BUILDING, GOVERNMENT CENTER
100 Cambridge Street
Boston, Massachusetts 02202

Docket Nos. F249040, F249041

FRED DAVIS,
Appellant

BOARD OF ASSESSORS OF THE CITY OF MALDEN,
Appellee

DECISION

The decision is for the appellee. The appeals are dismissed for lack of prosecution. Appellee's Motion to Compel Discovery and Appellant's Motion For Production of Documents are denied. Both were filed with insufficient time remaining for compliance prior to the scheduled date for hearing. See 831 CMR 1.25 and G.L.c. 231, ss. 6167. Appellant's request for a transcript is denied. It was not timely filed and not accompanied by the deposit required by 831 CMR 1.28 and G.L.c.58A s 10. Appellant's Motion For Judgment against appellee is denied.

**APPELLATE TAX BOARD**

By _____ Chairman.

_____ Member.

_____ Member.

_____ Member.

_____ Member.

Attest: _____ Clerk.

Date Mar-9 1999
**NO SEAL**

Location: 27 Upham Street
& 371 Bryant Street
Year 1998

SUPREME JUDICIAL COURT FOR THE COMMONWEALTH OF MASSACHUSETTS

1412 Courthouse, Boston, Massachusetts, 02108

Fred Davis
353 Bryant Street
Malden, Ma 02148

Re: NO. DAR-10557

**FRED DAVIS**

**vs.**

**MALDEN BOARD OF ASSESSORS**

NOTICE OF DENIAL OF D.A.R. APPLICATION

Please take note that the above-captioned Application for Direct Appellate Review has been considered by the Court and is denied.

(no signature) Jean M. Kennett, Clerk

Dated: May 28, 1999

To; Fred Davis
Kathryn M. Fallon, Esquire

June 16, 1999

Honorable Herbert P. Wilkens,
Chief Justice of the Supreme Judicial Court
1412 Courthouse
Boston, Ma 02108

RE: Fred Davis v. Board of Assessors of the City of Malden
Docket No. DAR 10557

Dear Honorable Chief Justice Wilkens:

I am appalled to learn that a decision was made in the above-cited action without my opposition namely "Appellant's Motion For Sanctions Against Kathryn M. Fallon", as this document was not available to the Honorable Justices before making the decision in this action.

June 4, 1999, I Telephoned the Supreme Judicial Court Clerk's office and spoke with Ms. Susan Mellen inquiring as to the ruling on my motion "Appellant's Motion For Sanctions Against Kathryn M. Fallon".

Ms. Mellen informed me that, it was not on the computer and there is no record of such a document was ever filed.

She became very sarcastic and said, "Prove it".

May 7, 1999, eighteen copies including one original copy of "Appellant's Motion For Sanctions Against Kathryn M. Fallon" which is in opposition to the document filed by Kathryn M. Fallon were filed in the Supreme Judicial Court.

Eighteen documents were hand delivered in the Supreme Judicial Clerk's Office along with Certificate of Service and stamped "Received Supreme Judicial

Court For the Commonwealth Jean M. Kennett, Clerk". SEE front page of Appellant's Motion For Sanctions Against Kathryn M. Fallon and Certificate of Service also stamped by the court attached hereto:

There is a very serious problem with the Judicial System in the Commonwealth when seventeen copies and an original copy just mysteriously disappears.

Leaving one to wonder, who would want these documents to disappear and who would gain from their disappearance?

Therefore, I am requesting that this Honorable Court review the decision of May 28, 1999, including the document that was not given to the Honorable Court when its decision was made on May 28, 1999.

Thank you for your cooperation in this matter.

Very truly yours,
S/Fred Davis

353 Bryant Street
Malden, Ma 02148

CERTIFIED MAIL:
P 576 480 112
Enc. 2

COMMONWEALTH OF Massachusetts
SUPREME JUDICIAL COURT

STAMPED: RECEIVED SUPREME JUDICIAL COURT FOR THE COMMONWEALTH JEAN M. KENNETT, CLERK
MAY -7 99

SUFFOLK COUNTY, SS DOCKET NO. DAR-1-557

FRED DAVIS, Appellant
vs.
BOARD OF ASSESSORS OF THE CITY OF MALDEN,
Appellee

APPELLANT'S MOTION FOR SANCTIONS AGAINST KATHRYN M. FALLON

Now comes the appellant, Fred Davis in the above-cited action and being appalled by the misconduct of the appellee's attorney Kathryn M. Fallon BBO 631528, files his Motion For Sanctions Against Kathryn M. Fallon.

(1) Kathryn Fallon Committed perjury in her Certificate of Service.

(2) Ms. Fallon violated the Massachusetts Attorney's Oath by telling falsehoods to the Massachusetts Supreme Judicial Court.

(3) Ms. Fallon violated the Canon Rules: Canon 1 Disciplinary Rules DRI-102 Misconduct.

(4) Ms. Fallon made defamatory statements about the appellant, Fred Davis causing him pain and suffering.

CERTIFICATE OF SERVICE

STAMPED: RECEIVED SUPREME JUDICIAL COURT FOR THE COMMONWEALTH JEAN M. KENNETT, CLERK MAY -7 99

I, certify that I mailed a true copy of the Appellant's Motion For Sanctions Against Kathryn M. Fallon to: Ms. Kathryn M. Fallon, Legal Department City of Malden, Malden City Hall 200 Peasant Street Malden, Ma 02148 postage prepaid.

Date 5-7-99 s/Fred Davis

SUPREME JUDICIAL COURT FOR THE COMMONWEALTH
ROOM 1412 COURT HOUSE
BOSTON, MASSACHUSETTS 02108

June 18, 1999

Mr. Fred Davis
353 Bryant Street
Malden, Massachusetts 02148

Re Davis vs. Board of Assessors of
City of Malden, DAR-10557

Dear Mr. Davis:

Chief Justice Wilkins received your letter of June sixteenth today and has forwarded it to me for response.

Thank you for responding to Ms. Mellen's request that you send a copy of the document in question. Ms. Mellen was indeed correct, as there is no notation of this motion on the docket. I think perhaps because it was just the two pages it must have got caught up with papers in another case filed incorrectly.

However, I shall have copies of "Appellant's Sanctions Against Kathryn M. Fallon" and resubmit your application and Ms. Fallon's opposition to the Court for reconsideration in view of the now docketed motion.

Very truly yours,
S/ Jean M. Kennett
Clerk

SUPREME JUDICIAL COURT FOR THE COMMONWEALTH OF MASSACHUSETTS

1412 Courthouse, Boston, Massachusetts 02148

Mr. Fred Davis
353 Bryant Street
Malden, Ma 02148

RE: No. DAR-10557

FRED DAVIS
VS.

MALDEN BOARD OF ASSESSORS

NOTICE OF DOCKET ENTRY

Please take note that on June 30, 1999, the following entry was made on the docket of the above-referenced case:

ORDER denying reconsideration of denial of DAR application and denial of Motions For Sanctions filed by appellant. Notice to parties.

typed Susan Mellen, Clerk

Dated: July 6, 1999
To: Fred Davis
Kathryn M. Fallon, Esquire